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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,427	03/18/2005	Kevin Vichinsky	037141.51571US	4260
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CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER SAVAGE, MATTHEW O	
			ART UNIT	PAPER NUMBER
			1797	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,427

Applicant(s)

VICHINSKY ET AL.

Examiner

Matthew O. Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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The drawings are objected to because the reference number "16" and associated lead line mentioned in the specification are not shown in any of the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim 1 is objected to because of the following informalities: on line 1 of claim 1, "an" should be changed to --a--. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The trade designation "PA66GF33" is considered vague and indefinite since the chemical formulation of such materials is subject to change over time.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Leason et al.

With respect to claim 1, Leason et al disclose a transmission filter (see FIGS. 2-3) including a first shell 20 having an inlet opening 12, a second shell 30 having an outlet opening 14; the first and second shells mating with each other to form a filter housing, a fluid pervious centertube 60 disposed in the filter housing between the first and second shells such that the inlet opening communicates with the interior of the centertube, at least one set of registering weld posts 25, 35 on interior surfaces of the first and second shells, and a filter medium 50 clamped between the first and second shells and the centertube to form a filter surrounding the centertube through which fluid moving from the inlet opening to the outlet opening must pass.

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As to claim 2, Leason et al disclose the filter material 50 as being clamped between the first shell 20 and the center tube 60, between the second shell 30 and the centertube 60, and between the first and second shells 20, 30 (see FIG. 3) to form a bag filter surrounding the centertube.

Concerning claim 3, Leason et al disclose the center tube as having a mesh structure (see FIG. 7 and interconnecting members 61 and 63).

Regarding claim 4, Leason et al disclose the first and second shells 20, 30 and the centertube 60 as being made of a thermoplastic synthetic resin material (e.g., glass filled nylon, see lines 1-3 of col. 7).

As to claim 5, Leason et al disclose the synthetic resin material as being a thermoplastic polyamide material (e.g., glass filled nylon).

Regarding claim 6, Leason et al disclose the synthetic resin material as being reinforced with glass fibers (e.g., since it is glass filled).

Regarding claim 8, Leason et al disclose the first and second shells and centertube as being vibration welded together with the filter material between in a single welding operation (see lines 13-47 of col. 6).

With respect to claim 9, Leason et al disclose a method of making a filter including providing mateable first and second synthetic resin shells 20, 30 with respective inlet and outlet openings 12, 14 (see FIGS. 2-3), the shells having at least one set of registering weld posts 25, 35 on inside surfaces thereof, disposing a central portion of a filter web 50 against an inside surface 40 of one of the shells 20, disposing a fluid pervious centertube 60 against the central portion of the filter web to clamp said

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filter web against the one shell, wrapping the filter web around the centertube to form a filter bag (see lines 52-53 of col. 5), mating the other of the shells 30 with the one shell with the weld posts on their inside surfaces registering to form a filter housing, whereby a peripheral portion of the filter material is clamped between the centertube and the other shell (e.g., between parts 35 and 65, see FIG. 2); and welding the first and second shells and the centertube together in a single welding step with the filter bag clamped between them such that fluid moving from the inlet opening to the outlet opening must pass through the filter bag (see lines 13-47 of col. 6).

Concerning claim 10, Leason et al disclose alignment apertures 58 in the filter material 50 as being placed placed over weld posts 28 when the filter material is placed in the first shell 20 to assure proper positioning of the resulting filter bag (see FIG. 9).

As to claim 11, Leason et al disclose the center tube as having a mesh structure (see FIG. 7 and interconnecting members 61 and 63).

Regarding claim 13, Leason et al disclose the synthetic resin material as being a glass fiber reinforced polyamide material (e.g., glass filled nylon).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason et al.

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Concerning claim 7, Leason et al disclose glass filled nylon but fails to specify 33% glass fibers which applicant discloses to be PA66GF33, however, such a modification would have been obvious in order to optimize the mechanical properties of the thermoplastic for a particular application.

Concerning claim 12, Leason et al discloses the first and second shells and the center tube are being made of thermoplastic synthetic resin material (e.g., glass filled nylon). Leason et al fail to specify the first and second shells and center tube as being formed by injection molding, however, such a step is well known in the art and typically employed in cases where mass production of plastic parts is required. It would have been obvious to have modified the method of Leason et al so as to have included the step of forming parts by injection molding as well known in the art in order to facilitate fabrication mass production of such parts.

The structural relation of said welding posts being positioned within the perforated center tube as shown in FIG. 3 of the drawings is not taught or suggested by the prior art of record. Accordingly, such a limitation added to the independent claims would place the application in condition for allowance.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Matthew O Savage
Primary Examiner
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